

QUID NOVI

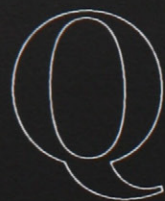
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3661 Peel Street
Montreal, Quebec
H3A 1X1
514-398-4430

Rédacteur-en-chef

LAWNA HURL

Managing Editor

FRANCA SILLA

Associate Editor

VALERIE LEGROS

Rédacteur adjoint

LIZANNE BRUNELLE

Layout Editor

REBECCA HARE

Web Editor

MARTA JUZWIAK

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quid_novi@hotmail.com

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Dear all,

Our website is up!!!!!! Marta rocks! You can
check it out by linking through the faculty home
page.

Next week's theme:

What to do with you pets in November!

We expect great things!

Lawna

Dear Students of McGill Law School,

I just wanted to take this opportunity to chastise you for being 'big losers.' If someone would like to take exception with my choice of terms, please let me know by making an effort to show up to a coffee house, or any another faculty-wide event once in a while. Maybe others among us are asking the same questions as I am these days: What's going on this year? Where is everybody? How much does a smile cost these days?

That's right, the atmosphere at school sucks this year. A couple of weekends ago I went to the Malpractice Cup. I went because last year, in spite of our loss, I had a great time. So I showed up at the reservoir on Saturday for some action. As much as I love med students elbowing me in the face during games of ultimate frisbee, I would have preferred if there were more than 30 law students on hand to laugh at me. This was not due to a lack of hype of the part of Marianne and her crew. They worked very hard on the day and publicized the event. But where were all of you? Some people have jobs, families, lovers, religious obligations and all sorts of important things to look after. So do med students. What I'm asking is, why don't people take a break, make a minor sacrifice and enjoy the university experience? Are you concerned that your GPA might slip by .01? If so, you should probably stay home.

Some may ask why I'm being so negative. I'll dignify that question with a response. First of all, I have the rest of my life to bust my ass doing work and this is probably the last chance I'll have to enjoy being a student. Second, one of the main reasons I came to McGill was because it has a reputation for attracting some outstanding people. I still believe that this is the case and I'd like to meet as many as I can. I can't if they don't make any effort to be a part of the life of the faculty. Third, I know how awesome things can be. So many people are working so hard behind the scenes to make things happen. All the clubs, our frosh week coordinators, and the executive are just a few examples. Last year when I went to Coffee House, the place was always jam packed. Everyone enjoyed hanging around to have a drink a chill for an hour or two. This year the atrium is rarely more than half full. Coffee House is a unique McGill institution that exists for our pleasure. Why aren't we taking advantage? If it's because you can't spare the \$2 for a beer, I'll spot you some cash (one sec, is that binding in a civil law jurisdiction?). At Law Games last January the students showed how much fun they can be. Do we deserve that spirit award we accepted so triumphantly by storming the stage in Ottawa last year?

I'm just begging you to harness some of your energy and help me have a better time this year. Is that asking for too much?

Love,

Neil Hazan Law II

P.S. Don't panic. You are not going to be tested on this.

Horoscopes by Chef Mimi and Dishwasher

Gemini: Your week will be like tofu and marmite on a bagel. The one human who likes it, likes it a lot.

Aquarius: Mmm. Hot-dogs. It's gonna be a rancid pigfat/shoe leather kind of week.

Cancer: This week is like Chardonnay. Sure, you're acting all cool and sophisticated, but isn't it just an excuse to get drunk?

Capricorn: Be one with a brie and fennel salad this week. Sometimes the best results come with minimal effort.

Taurus: Reese's Pieces: this week will be fun, but it'll make you fat. Beware of food in pellet form!

Sagittarius: Keep pizza in mind this week. Why do it yourself when you can get it for 49 cents on St-Mathieu street?

Scorpio: This week will feel like making Imperial Rolls. All that work and gone in a mouthfull.

Libra: Gefilte fish (a.k.a. fish Spam): Sometimes, you just have to do things because your mother tells you to. But isn't it worth a little sacrifice to keep Bubby happy?

Leo: This week will be like the average week of a banana-chocolate chip muffin. Although it seems sweet and delicious, it may end up heavy and leave you with a sick feeling. Try to remain positive. Take advantage of the sweetness at the beginning of the week, but if you save it, it'll go stale.

Pisces: Your week will be like lox - you will be sliced and smoked.

Virgo: A cup of Twinings tea - this week will be relaxing but too much of it will keep you up all night eating arrowroot cookies.

Aries: Your week will be like poutine - absolutely gross but you'll love it at 3am.

le 7 novembre 2000

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the justice dialogues

Eric Ward LLB III

The hidden microphones in the ceiling of the Pit picked up the following dialogue between Alison Maclean and Eric Ward on All Hallows Eve:

AM: So Eric — I don't think I understand the blurb you wrote about Mercedes Perez' quid article. It sounded as if you were saying that (a) "small things" such as issues of possible sexual harassment in the Faculty weren't important compared to underdevelopment in Ecuador, and so are not worth our attention; and (b) that the only kind of law that is worth our attention is human rights law. And I got a problem with that, man.

EW: Whoa! The point of my short letter was not to put down those of us who are taking jobs outside of human rights law. What I meant to say is that by definition a lawyer (and law student) must be concerned with justice. That virtue is at the centre of our profession's reason for being. Struggling with justice within the faculty is as important as you say. We don't need to choose between outward and inward-focused discussions.

AM: Okay, justice is grand. But what I am concerned about is that it seemed that you limited what justice can be about. When you spoke of the starvation in fertile valleys, and the duty of law students to avoid contributing to these conditions, I felt like you were saying that unless you are working in a certain set of law jobs, or studying a certain set of legal fields, then you are not here for a good reason. What bugs me is that I can't help but wondering what the government, or law firms or any other legal enterprise would be like if anyone that cared about these issues decided to only work in human rights law.

EW: On the contrary, my argument is that all law students need to concern themselves with justice issues — and to continue grappling with them whether they join Medecin Sans Frontieres or for Rich, Smart, Huge & Fancy LLP. I object to a view of "justice" that confines it to non-governmental work or anything of that sort. Transactional law requires close attention to justice — in that case, developing ways to increase trust and avoiding surprise etc. I don't believe in the false dichotomy between "justice jobs" and "money jobs." That makes life too easy for those who think they are choosing either.

AM: That's a good thing Mr. Ward — you will not have to feel the sting of my wrath. No, but really, these are issues that I know I have grappled with as someone getting ready to leave these hallowed halls and go out into an actual career in law. Somebody has to represent the big nastys and Paul Bernardo, just as someone has to represent unions, people who need legal aid, people being cut off welfare etc. I hope I am privileged enough to have the opportunity to represent the latter, but if I do have to hold my nose, I would like to think that I can still be critical and still think about larger issues of justice. This was a lovely discussion, I am glad I did not fester for the rest of the school year thinking you were a bastard....

EW: Hey watch it pal: the marital status of one's parents at the time of one's birth are no longer determinate of one's rights — read the CCQ... It is the tension between substantive, procedural, transactional and big-picture justice that makes the legal profession unique and legal studies fascinating (on good days). Also, I don't think that lawyers in any arena can be indifferent towards the justice of the rules on which they advise their clients.

AM: Yeah. Ok. Whatever. Can I have some of your cookie?

EW: No. It's mine mine mine.

LA REVUE QUÉBÉCOISE DE DROIT INTERNATIONAL RECENSIONS / BOOK REVIEWS

Outil de référence juridique et scientifique indispensable, la *Revue québécoise de Droit international* offre à son lectorat une analyse critique des plus récentes publications en droit international et provenant de maisons d'éditions réputées d'ici et d'ailleurs.

The objective of the *RQDI* is not only to promote legal research and scholarship, but also to provide a forum for discussion of contemporary international and legal issues.

Therefore, the *RQDI* invites all law students, graduate students, professors and practitioners who have an interest for international law to write book reviews. The books have carefully been chosen from well-known publishing houses. Soumises à un processus d'évaluation scientifique, ces recensions pourront faire l'objet d'une publication dans nos prochains volumes. Il est à noter qu'un "service à la carte" est offert aux internationalistes intéressés par la rédaction d'une recension. Ce service permet au recenseur de choisir un ouvrage précis correspondant au champ de compétence ou au domaine qui lui est propre.

Pour avoir la liste des livres disponibles correspondant à vos champs d'intérêts, communiquez avec Alon Rehany par courrier électronique à arehan@lsa.lan.mcgill.ca. Nous vous invitons également à consulter notre site Web à <http://www.juris.uqam.ca/rqdi/>

The Greatest Band Ever!

Marc Edmunds Law II

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Before I begin, two things: 1st, I know I missed the music issue, but I think you understand – it only came out Oct 31st, so I couldn't write about it before then. 2ndly, if you know me, you will know that I am given to hyperbole, and if you don't, well, you do now. But really, they are the greatest band ever, in the history of the universe. So this is to be an article all about my love affair with Bono, The Edge, Adam and Larry. And of course, for inspiration, I have on repeat "All that you can't leave behind".

I used to be an exclusively hip-hop/R&B guy. At St. Paul's (my high school in Windhoek), we were ALL ABOUT Snap & MC Hammer, and Guy, and Boyz II Men, and Jodeci. And Naughty By Nature, & Black Sheep, & Digital Underground. I'm still all about Digital Underground by the way – wish they would release another album – it's been five years now. Anyways, so growing up, that was what I listened to, and ALL I listened to. It made for a rather interesting experience when I moved here and all the people I met at John Abbott (a CEGEP on the West Island) wanted to classify me as this or that based on the music I listened to. And then the friends I made initially were all about alternative rock and classic rock and all this Rock 'n Roll bullshit that was just noise to me – I couldn't stand it. Familiarity though, breeds acceptance, or some other clichéd truism. So after a while, I started not hating it. And then I started getting used to it. And then I actually started liking it. It started off with G'n'R – don't ask me how I jumped straight into them from nothing rock whatsoever, but I did. And then Bon Jovi, and then whatever was contemporary in 1994-95. Then I went to Bishop's, and my musical life was changed forever.

I don't know how many of you have lived in res, or whether yours were like the ones at Bishop's, but we tended to spend a lot of time in each other's rooms, looking through each other's stuff (while the resident was there, dumbass!), and so it was that I came across some U2 albums in this girl Sarah's room. I don't know why, but I picked up the "Rattle and Hum" CD liner and started reading lyrics. And I found this song called "Silver and Gold" – which is about South Africa and is a condemnation of *Apartheid*. Immediately I was impressed, and she mentioned that they were in fact quite political, so I started reading more, and read "Pride", which impressed me again, and then I just zoned completely out of the conversation, so she lent me the CD and I went to my room to listen to it. I think I was really impressed with how political they were, but I hadn't really adapted to the music style yet. I'm not exactly sure when that happened, but I do remember that in my second year at Bishop's they came out with "Pop" (which, by the way, is a highly underrated album, and most of its critics just haven't listened to enough of it and only heard the tracks that were released on the radio – something I think is unfortunate coz there is some serious political and ballady-type stuff on it, but I digress). I didn't like "Discotheque" all that much, but "Staring at the Sun" blew my socks off, and so I bought the album. And the album blew my socks off, so I bought a few more of their albums, and pretty soon I had the entire collection.

I must admit, I am a rather atypical U2 fan in that I actually prefer their newer stuff, something that many old-school U2 fans find blasphemous. The line between new and old is hazy though, as I know some who like everything up to "Zooropa", and I know some that hate anything after "Joshua Tree". One of the cooks at Annies (the resto-bar I worked at this summer) is a tad older than me, like mid-30's, and he was a college boy in the early U2 album days, and was a CRAZY fan of theirs from day one and "Boy". He HATES anything after "Joshua Tree" coz he says they were in your face political in the early days and he thinks they have since sold out. Well, I beg to differ. They have certainly experimented with various musical styles, and they don't sing about the killings in Ireland any more, but I think that is exactly what makes them great – they are very non-one-dimensional. In the early days they were angry, and political, and it showed in their songs. I think as they have gotten older, they have found other things to be political about, and different ways to be political. "Pop" was very political – all you had to do was look at the liner notes and see that it was a commentary on the consumer society that the world has become.

But I am not here to make a defence against non-believers, I am here to write of my own love affair. So I bought "Pop", and then the others followed, as I said. And then the Pop-Mart tour came to Montreal, so I went to see that. For concerts that I really want to see, and see decently (as in not in the nose-bleed section), I never just buy the tickets – I have a scalper who gets great seats – the prices are invariably through the roof (I paid \$130 for my Pop-Mart ticket), but always worth it in my opinion (I had to turn backwards at one point in the concert coz Bono and The Edge had moved to the end of the strut, which was behind my very close seats). Now, for those of you who have never seen U2 in concert, well, I don't think my words here will do it justice. Needless to say, the concert COMPLETELY blew my mind, and for days I was actually in a state of depression becoz the experience had been such euphoria that I was having a hard time come back down to reality. I had become a MASSIVE U2 fan. But the best was yet to come.

The following January I went off to South Africa (Rhodes University) on exchange from Bishop's. And it quickly became known on-campus that I was a U2 super-fan. Then news came that they were coming to SA – this is a band that was HUGE political and vocal in its anti-*Apartheid*ness, and as a result, they had never performed in SA. And U2 is HUGE in SA. So they were coming and this massive audience was chomping at the bit. One day in class, my IS (Information Systems) tutorial-leader noticed my Pop-Mart shirt and asked if I was going and I said no (the logistics had been impossible to me up until then) and he said he had tickets to sell, and a car, and the rest... well, the rest is about to follow. So we organised this big road trip (he had tickets for the concert in Johannesburg [there was also one in Cape Town] and we were in Grahamstown, some 10 hrs away) and off we went. The concert was Saturday, March 21st, 1998. March 21st, 1960 was the day of the Sharpeville Massacre in SA, and it is the day SA now celebrates Human Rights day. When we finally got to Jo'burg, we rested up, and then began the pilgrimage (as this can best be described). I will never forget the anticipation of the crowd on the road – the highway traffic nearing the stadium had slowed to a standstill, and so I got out the car and was running up and down the road yelling at people and they were yelling back and we were all CRAZY-excited. Wow, I get chills just thinking about it. Anyways, so we made our way to the seats (HORRIBLE seats, WAY up in the stands to the point that we can hardly see the stage, but it just didn't matter), and mull about for a while. I don't know when the gates opened, but by North American standards it was RIDICULOUSLY early – they simply had to though, there were too many of us all over the place. After what seemed like an eternity, the opening band made its way to the stage. In Cape Town, a South African band named Just Jinger had opened for them – very poppy – but they chose a very political South African band whose name escapes me right now for the Jo'burg show. There was significance in that. In this incredibly anti-*Apartheid* band's first ever appearance in Johannesburg, they were performing on Human Rights day with the shanty towns in the background and opening with a very political South African band. I don't know how many of you have seen the Pop-Mart concert, but it starts with Bono fighting his way through the crowd to get to the stage in this boxer-outfit. Man, I nearly fell over, and I had seen it all already. AAAARRRRGGGGHHHH!!!!!! I cannot explain to you how incredible it was. And the whole show was insane (though I am still mad that they didn't play "Silver and Gold"). But at the end, wow, the end was NUTS. I forget what they closed with in Montreal, but in Jo'burg it was "40". By the end of the song, Bono was singing accapella, and the crowd was singing with him – repeating the chorus over and over and over again. Then he finished, and they went off (and we saw them leave in a security car from the stage – they were NOT coming back). The crowd had not MOVED ten minutes later, and was still singing. I think it continued for a total of about 15-20 minutes. Afterwards, this girl I was with actually came up with a new word to describe it – I was repeating over and over again that it was "FAN-FUCKING-TASTIC", so she came up with a briefer version that I now reserve for VERY special occasions – "Fucktastic".

A friend of mine was in my house one hungover morning and he was BLASTING "One", and had it on repeat – something I do but very few of my other friends tolerate. And so we started talking about U2, and how great they are, and he said something that I have repeated many times since: "Seeing U2 in concert is like a religious experience." That it most certainly is, and seeing them live in Johannesburg for the first time ever on Human Rights day, well, that was nothing short of a rapture.

le 7 novembre 2000

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vote early, vote often

"Vote early, Vote often"

Well....maybe not!

But it is a good idea to vote on November 27th! I don't think I need to encourage you to vote. As a future lawyer, you should already know the importance of exercising your *right* to vote in this upcoming election. This article will NOT attempt to convince to vote, but will serve to help you understand what's involved this time around. Oh yeah! For the purposes of this article, I do not really care you who vote for.

General procedures:

When you filled out your taxes last time around, there was a little box that said "Would you like to have your information listed in the national register of electors?" (aka 'Do you want Big Brother to compile a big database of all the adults in Canada so that they can keep track of YOU?') You probably said "Yes, me too please!" I did, and this time around, there is no job for me as an enumerator (the people who go door to door to get your address and info etc). There is also a big black Ford Explorer that hangs out across the street from my apartment all day. Oh well.

If you did like I did, by November 8, you will receive a voter confirmation card at the address that you specified. When you get it, verify the information, put the card on your fridge. The card tells you where and when to vote.

If you do not get a card in the mail, or you've lost your card - NEVER FEAR- ELECTIONS CANADA IS NEAR!

Call this number: **1 800 INFO-VOTE** (1 800 463-6868). The fine public servants on the other end will be able to help you get a new card, with the correct information on it.

Oh yeah if you live anywhere near McGill, your riding is Westmount-Ville Marie. Any residence east of Saint-Laurent is in Laurier-Ste-Marie riding. BUT:

If you don't have any idea what riding you live in, check out this page

http://www.elections.ca/cir/rid/canada_e.html

If you are from Montréal (or the island) for that matter:

Go home. Get your card. Put it on the fridge. Vote on Nov. 27th.

If you are from outside of Montréal:

A teeny-weeny bit more complicated. Never fear, however! If you used to live in North Battleford, Saskatchewan before law school, and would like to vote in Battlefords-Lloydminster, it will not be that difficult registering to vote. **YOU MUST FOLLOW THESE DIRECTIONS EARLY, HOWEVER.** The simple reason is that you will be requesting a special ballot, and will mail it in so that it arrives in Ottawa before 18h00 on November 27th. So what about this special ballot?

You need to request this special ballot and voting kit. Go to www.elections.ca/ele/spe/form_e.html to download the request form. The form needs to be printed out, so do this on your home printer, or pay a few cents to the friendly helpers in the Computer center of NCDH. Once you have filled out the form, you can either mail or fax it to Elections Canada. Once *they* get it, it will take a few days for you to receive a voter kit. You need to mail in this kit ASAP. Since there are only about 20 days left in this election, you need to act fast.

If you are not going to be around on November 27th:

There are advance polls 10, 9 and 7 days before the 27th. That means Friday, November 17th, Saturday, November 18th and Monday, November 20th. You can vote between 12h00 and 22h00.

MIKE, WHAT DO I DO ON MONDAY, NOVEMBER 27th??????

DON'T WET YOURSELF! It will all work out in the end. Take your little card, go to the address that is on the card (Probably some little school that you pass on the way to class in the morning) between 7h30 and 22h00, and Vote Liberal.

I'm just kidding! Don't forget to vote on the 27th.

ABOVE ALL! IF YOU FORGET TO REGISTER ETC. OR HAVE ANY QUESTIONS:

Contact elections Canada at www.elections.ca

If you live near McGill, go with one of your friends to the polling station on election day with: 1) a valid piece of ID such as a driver's license, and, 2) a piece of ID showing your name and signature. I'm sure they'll let you vote. And if not, that's a lesson for next time around! **BE EARLY!**

SEE YOU AT THE POLLS ON NOVEMBER 27th!

A friendly service from,

Mike Arnot

Chair, Liberal-McGill Law Students Committee – Comité des étudiants Libéraux en droit à McGill

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November 7, 2000

restorative justice

Leanne Salel Nat IV

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It's November and Restorative Justice Week draws near. It provides an opportunity to reflect on responses to crime that focus less on punishment and more on healing and offender accountability. In Canada, restorative models include victim-offender mediation, sentencing circles and family group conferences, and are often confined to minor crimes and first time and aboriginal offenders. This summer, however, I came across a radical and challenging application of restorative justice addressing the gravest crimes known to humankind- genocide.

My discovery came about in the course of my research as a summer intern in Rwanda on the prosecution of genocide perpetrators. To recap the tragic events of 1994, in just under 100 days, and with the mass participation of the populace, an estimated one million Tutsis and moderate Hutus were killed. At the end of the war approximately 130,000 people were arrested and incarcerated for crimes of genocide. Six years later, only 2% of the prison population has been brought to trial, either in the domestic courts or before the international tribunal. At the current rate, the prosecutions are expected to last 200 years, leaving Rwanda at a justice impasse.

Consequently, in 1999 the government proposed to move away from conventional trials and to bring in a participatory system of Rwandan customary justice known as *gacaca*. Traditionally, *gacaca* consisted of community elders coming together to hear and resolve minor disputes- stolen cattle, etc. In its modern adaptation, *gacaca* 'trials' will take place in localities throughout the country to try the crimes where they were committed, in full view of the community. Everyone is encouraged to participate and to give testimony. The trials will be presided over by lay judges elected by the community. Suspects will have the opportunity to confess prior to *gacaca*. Those who do will receive reduced sentences, the final half of which can be spent in the community doing work of public benefit known as community service.

The parallels between *gacaca* and restorative justice are striking. *Gacaca*, it is hoped, will foster reconciliation and accountability by providing a platform for perpetrators to apologize and seek forgiveness directly from survivors. Justice is brought down to the local people by engaging survivors as active participants in *gacaca*, thereby enhancing the visibility of justice. They are encouraged to testify, share their sufferings and challenge anyone suspected of lying or insincerity. Similarly, the establishment of truth through testimonies and confessions can contribute to the resumption of normal relations between the survivors/families of victims and perpetrators and their families. Reparative measures include compensation payments by the offender where feasible and the state. Community service work can also enable an offender to make moral reparation for his or her crimes through the provision of socially valuable work.

Gacaca however, faces many challenges. The extent to which *gacaca* will contribute to reconciliation between genocide perpetrators and survivors will depend on the fairness of the process and the quality and independence of the judges. It will also depend on the willingness of survivors to come forward and denounce their neighbours. Concerns have been voiced about the lack of procedural and human rights safeguards, the potential for intimidation and how the trials will function in areas where few Tutsis remain. Other factors are the potential for retraumatization of survivors as a result of returning genocide perpetrators benefiting from early release as well as the risk of reprisals against returnees.

Needless to say, the justice response of the country is a critical one. Justice is a necessary part of the peace process and an indispensable condition for national reconciliation and for putting an end to long-standing cycles of violence in the country. Although justice alone cannot bring peace, durable peace is not possible without it. Impunity or unsatisfactory responses to crimes of mass atrocity can corrode and eventually destroy the fabric of society and sows the seeds for future violence. On the other hand, *gacaca* challenges the presumption that a satisfying justice requires repressive or retributive sanctions or that deterrence can only be realized through tougher sentences. Moreover, given the political and material constraints facing the country, *gacaca* will permit offenders to be brought to justice within the lifetime of most survivors and reverse the culture of impunity that characterized past responses to these crimes. Thus, *gacaca* may be able to succeed in areas in which the conventional justice system has failed Rwanda.

As the draft bill progresses through parliament, *gacaca* should be watched closely, particularly by other societies emerging from periods of grave human rights violations. If Rwanda succeeds, it could set up a precedent for a new spirit of justice in post conflict societies, one that offers hope for eventual reconciliation and cohabitation.

le 7 novembre 2000

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Thinking of Working in the US?

Think Again

For those of you dreaming of practicing in Florida or Chicago anytime soon after you graduate, dream on. This article will make a crucial addition to Joe Mik's ABA accreditation article that appeared in last week's *Quid*. I hope to explain to you why as students we need to voice our opinions now regarding ABA accreditation.

Joe Mik's article in last week's *Quid* was excellent. It outlined some of the major issues on why McGill should begin the process towards ABA accreditation. It could not have been published at a better time since I am going through some difficult issues myself with the California State Bar. I thought that the best way to illustrate what might become your horror if McGill does not become ABA accredited is by recounting my story.

I have had my heart set on practicing law in California since the day I entered law school. With that in mind, I worked very hard at securing a summer associate position in Los Angeles this past summer by going through the tiring and stressful on-campus interviewing last fall. I was screened by NY firms that had LA offices and my callbacks were in LA. I was lucky enough to get an offer from an LA firm and once I accepted the offer I thought that all my troubles were over. This past summer I spent an incredible 3 months working at a downtown Los Angeles law firm. After the summer, like almost every summer associate who works at a firm during the summer, I was offered a full-time associate position, starting in September 2001. I gladly accepted the offer and this is when my horror began, for this is when I began to realize the immense complications of being eligible to sit for the California Bar.

I tried to contact the California Bar all summer, to no avail. In September, I was finally graced with a return phone call. The woman informed me that in order to be eligible to sit for the California Bar exam, a student who does not attend an ABA accredited school (which McGill is not) must fulfill 2 requirements: write a "mini bar" exam called the First year law students examination (FYLSE) and attend law school for 4 years. These requirements don't sound too terrible until they are put into practice.

The Mini bar is offered twice a year: in July and October. Given that I am graduating in May, October was the last test date for me to write this exam. Some of you may have seen me plugged into a discman during the entire month of September as I listened to BarBri classes (Bar prep classes) on CD. For an entire month I skipped classes, and ignored all of my schoolwork in an effort to try and learn Torts, Contracts and Criminal law for the mini bar exam that was

given in California on Oct. 2. For those of you still not convinced that this is a trying feat let me provide you with an additional piece of information- the mini bar is 7 hours long (making the LSAT look like a walk in the park) and it boasts an 18% pass rate. No, I did not mix up the numbers- eighteen percent pass rate. But even that is not the end of my troubles. I will save you the long story of why I chose to do it, but I am graduating from the National Program after 3 years, thereby not fulfilling the CA Bar's second requirement.

What is a person to do in such a situation? I now find myself petitioning the Bar for an exemption from their requirements and I deal with the Bar bureaucrats on a daily basis. The frustration sets in when I realize that they don't care whether or not I can sit for the California bar since I am but a nuisance to them.

My point is this- you may find yourself in my shoes at some point in your legal career whether it be during law school or after you graduate. None of these problems would plague me if only McGill were ABA accredited. Then I would not have to worry about mini bars or the time I spent in law school. Joe Mik spent a significant amount of space describing the benefits of ABA accreditation but he left out one very important topic- the importance of accreditation when it comes time to look for jobs in the U.S. Don't underestimate accreditation. I tried to explain to the CA Bar that a graduate from an ABA accredited law school like Wiedener Law school in Delaware could not hold a candle to this McGill graduate, but they would hear nothing of the sort.

Let me extend the scenario to what ABA accreditation could mean for McGill in terms of employment, recruitment and job availability. Imagine how many more firms would come recruit at McGill if it were ABA accredited... imagine the opportunity... And if you can't, let me spell it out for you: how many of you were left out in the cold this fall when the NY firms came to recruit on campus? I heard plenty of complaints and concerns from students who did not get interviews with the NY or Boston firms. This was due mostly to the fact that the same 20 students got chosen for all the interviews, leaving the rest of you without the interviews of your choice or without any interviews at all. However, if McGill were ABA accredited, then NY and Massachusetts would not be the only nearby states in which McGill graduates would be eligible to sit for the bar, and hence firms from other states could potentially recruit here as well. I met with a McGill grad last year at one of the firms I interviewed with in California. He told me that he has wanted the Firm to recruit at McGill, but that there

was too much of a problem for McGill graduates when it comes time to writing the Bar. Already there is one Los Angeles Firm that is interested in McGill graduates but that will not come to campus because of eligibility problems with the Bar.

Let me illustrate the potential that Accreditation creates by examining the process of other schools with which McGill is compared. This summer I worked with students from Harvard, Stanford, UCLA, and even Joe Mik's coveted Berkley. Listening to their experiences put McGill to shame. There are so many firms that go to those schools (from all over the U.S.) that students must limit themselves to only 20 on-campus interviews. The result is that there are many more interview slots open to other students. I hope that those of you who got left out this year while the same 20 students interviewed for the NY and Boston jobs can appreciate what an advantage this would create for you.

My message extends even further than current job opportunity to your future when you are already practicing. Don't be fooled into thinking that once you secure that NY or Boston job that accreditation no longer matters. I recently spoke to a friend of mine who graduated from McGill last year and who is now working at a NY law firm. I told him all about my Bar woes and how none if it would matter if only McGill would take the steps toward accreditation. His response was that he could name another 10 McGill graduates working in NY who now realize the negative implications of graduating from a non-ABA accredited school. After starting as a first year associate only a few short weeks ago, my friend's firm offered him the opportunity to complete a rotation in Florida for 2 years. He necessarily had to decline because in order to be eligible to sit for the FLA bar a non-ABA accredited graduate needs to have been practicing for 10 years in any U.S. state to which he is licensed.

Do not think that I have silently tried to solve this problem on my own. I have gone to see Professor Toope for his assistance, and he was quite helpful in providing me with information. I also recently sought the help of Dean Leuprecht and spoke to him about the accreditation situation. However, I am no further than I was a few months ago. Next, I approached the LSA and applied to be on the ABA accreditation committee. I received the worst response from what is supposed to be our student representatives. I was told that I was not impartial enough to sit on the accreditation committee (would anyone be in my position?). But I accepted this, being that they wanted an impartial committee. That was back in September. About a week ago I asked one LSA Exec (who I will not name) whether the committee had met and what the news was. He had no idea if the committee had even met and he still hasn't gotten back to me. Of all the people who I expected to be supportive, I thought it would be the LSA. The kicker came from one LSA Exec who had

this to say to me after I tried to explain the importance of ABA accreditation, "You should have gone to a US school if you wanted to work in California." I did not even dignify that with a response but I hope that it was an obvious one- if I had \$40,000USD a year burning a hole in my pocket when I applied to law school that would have been an obvious choice.

I have spoken to many students over the past few months, many of whom have expressed an interest in some state bars that they will never be eligible to sit for. I have logged onto every State Bar Association's web page and provided whatever information I could find about bar admissions, which you can find below. It is not complete and it is best to contact the bar of the state you want to work in to be sure of accuracy. There are many states in which we will never be able to practice because McGill is not ABA accredited. There are others for which you will need to be a practicing lawyer for 5-10 years before you may be eligible to even sit for the Bar.

Alone, I cannot change policies, especially since I was denied any voice on the ABA accreditation committee. On that note, I urge those of you who can appreciate the importance of ABA accreditation to speak out. Please feel free to approach me or e-mail me at tammyakerman@hotmail.com. It is important to let the Faculty know that students are in favor of accreditation.

Note that for the table below, if McGill becomes ABA accredited, McGill graduates would be eligible for any state bar without restrictions (some states require bar takers to be 21 at the time of writing and have an undergraduate degree). Those that I have left blank I did not receive information for on the web. Please call the state directly if you are interested as I do not pretend that this table is complete or comprehensive- it is what I obtained off the net.

the table is on the next page

next week:

**Things to do
with your pets
in November!**

le 7 novembre 2000

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State	Web address	Phone number
Alabama	www.alabar.org	334-269-1515
Alaska	www.alaskabar.org	907-272-7469
Arizona	www.azbar.org	602-252-4804
Arkansas	www.akbar.com	501-375-4606
California	www.calbar.org	213-765-1500
Colorado	www.cobar.org	303-893-8096
Connecticut	www.ctbar.org	860-223-4400
Delaware	www.dsba.org	302-577-7038
D.C.	www.dcbar.org	202-737-4700 Bar;
Florida	www.flabar.org	850-487-1294
Georgia	www.gabar.org	404-656-3490
Hawaii	www.hsba.org	808-537-1868
Idaho	www2.state.id.us/isb	208-334-4500
Illinois	www.ibaby.org	217-522-5917
Indiana	www.ai.org/isba	317-639-5465
Iowa	www.iowabar.org	515-281-5911
Kansas	www.ksbar.org	785-234-5696
Kentucky	www.kyo.bar	606-246-2381
Louisiana	www.lsba.org	504-566-1600
Maine	www.mainebar.org	207-622-0059
Maryland	www.courts.state.md.us/ble/index	
Massachusetts	www.massbar.org	617-482-4466
Michigan	www.michbar.org	517-346-6300
Minnesota	www.mnbar.org	612-333-1183
Mississippi	www.msbar.org	
Missouri	www.mobar.org	573-635-4128
Montana	www.montanabar.org	406-442-7660
New Mexico	www.nmexam.org	505-271-9700
New York	www.nysba.org	518-463-3200
North Carolina	www.barlinc.org	919-677-0561
North Dakota	www.sband.org	701-255-1404
Nebraska	www.nebar.com	402-475-7091
Nevada	www.nvbar.org	
New Hampshire	www.nhbar.org	603-224-6942
New Jersey	www.njbarexams.org	732-249-5000
Ohio	www.ohiobar.org	614-487-2050
Oklahoma	www.okbar.org	405-416-7075
Oregon	www.osbar.org	503-620-0222
Pennsylvania	www.pable.org	717-795-7270
Rhode Island	www.ribar.com	401-222-4233
South Carolina	www.scbar.org	803-799-6653
South Dakota	www.state.sd.us/state/judicial	605-773-4898
Tennessee	www.state.tn.us/lawexaminers	615-741-3234
Utah	www.utahbar.org	801-531-9077
Vermont	www.vtbar.org	
Virginia	www.vsb.org	
Washington	www.wsba.org	206-443-wsba
years.		
Wisconsin	www.courts.state.wi.us/bbe	608-266-9760
Wyoming	www.wyomingbar.org	307-632-9061

Requirements to write the bar after graduating from a NON-ABA accredited school (i.e. McGill)

at least 19 yrs of age; obtained a bachelors degree from a list of approved schools; must have completed 4 years of law school; must be admitted to a Bar in Canada ; AND must have practiced in Canada for 5 years.
submit proof that the foreign law school meets ABA standards for approval; AND must have completed 1 year of law school at an ABA accredited school with one class completed in each of Constitutional law and Civil Procedure

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

Must have attended law school for 4 years & must write the FYLSE. OR
Must be licensed to practice in another state
Must be licensed in Canada; AND must have practiced in Canada for 5-7 years

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

Need 26 semester hours of study in ABA law school in courses listed by the

OR

Member of another bar for 5 years can waive in.

Must have practiced in another state for 10 years; AND must submit compilation of work over past 10 years.

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

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NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

Legal education must prove to be the substantial equivalent to legal education provided by law school in Kentucky; additional fee of \$350; must be admitted to practice in Canada; AND must have practiced in Canada for 3 years.

18 years old; citizen of the US or resident alien; AND education must be equivalent to education offered in US.

410-260-1975 Pass the bar in another state

Must show that education at McGill is equivalent to one received at ABA-

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

Must practice in another state for 4 years

Must show that education at McGill is equivalent to one received at ABA-

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

Must be admitted to practice in Canada and must show that education at foreign institution is equivalent to one that is received at an ABA accredited school.

Must be admitted to bar in Canada; must have practiced in Canada for 5 years; AND must complete 30 credit hours at an ABA school in subjects listed by the Bar.

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

Must be admitted to practice in another state and must have practiced there for 3

Must be admitted to practice in Canada and must have practiced for 3 years

NEVER- NEED A LAW DEGREE FROM AN ABA ACCREDITED SCHOOL

a patient's guide to u.s. healthcare

Joe Mik Law II

Most Canadians rant that they do not want a US-style health care system. Yet few Canadians understand how the US delivers care. This article aims to remedy that deficiency. Notwithstanding its flaws, most Americans express satisfaction with their healthcare coverage and believe that they enjoy better healthcare than any other country.

Their attitude, rooted in native pride rather than in analysis, mirrors Canadians' view of their own healthcare program. Both countries share a relative ignorance of the other's institutions. Each country loves to criticize the other's system. Each bases its sweeping indictments on a few exceptional cases of mismanagement. Both systems have their strengths and weaknesses. Canada's Medicare offers full coverage (at least on paper). US Healthcare offers patients choice and the highest quality of care in the World (at least on paper). Both systems, however, suffer real drawbacks. Quality and availability of care have declined for years in Canada, forcing many to settle for second-rate treatment or to die in line waiting for rationed cures. Costs are spiraling out of control in the US, forcing ever-larger numbers into the ranks of the uninsured.

A single question summarizes the difference between the Canadian and US healthcare systems: does healthcare delivery constitute a natural monopoly? In other words, should a single source control and provide every service or should multiple providers compete to provide the best service at the lowest cost?

To begin with, it is a misnomer to characterize US health care as a system. Many fractured entities provide competing and often redundant services. While government (both federal and state) is the single largest insurer in the US, no American entity enjoys a mandate comparable in its breadth to that of Canadian provincial health programs. In other words, no US or State agency both insures and provides health care to the general public. Four broad groups pay for healthcare in America:

- 1) State government programs:
 - a. "MediCal" - California's coverage for poor residents receiving economic assistance.
 - b. "TennCare" - Tennessee's attempt to reach universal coverage.
 - c. Child Health Insurance Plan ("CHIP") - federally-funded but state-administered program designed to cover uninsured minors.
 - d. Numerous other programs available on a state-by-state basis...
- 2) Federal government programs:
 - a. MediGap and Medicaid - coverage available to Welfare recipients
 - b. Medicare - available to senior citizens, but no coverage for the cost of prescription medicines.
 - c. The Veteran's Administration - available to active duty and retired members of the US military.
 - d. Workers' Compensation - available to persons injured in the course of their employment.
 - e. Numerous other programs...
- 3) Private insurers:
 - a. Single-payer plans
 - b. Collective health plans administered by Health Management Organizations ("HMOs")
 - c. Preferred-payer Organizations ("PPOs")
- 4) Individuals:
 - a. Discretionary medical spending - elective operations like cosmetic surgery, or lifestyle choices like birth control (some insurers cover this), non-traditional medicine (now covered too).
 - b. The self-insured or uninsured - 44 million Americans and rising.

Government insurance programs cover only about 20% of Americans. Federal government involvement in the healthcare sector arose in 1965 under the Welfare and Medicare Acts, as part of President L.B. Johnson's "War on Poverty." Today, the government defers to the private sector by restricting its own role to narrow population groups. With the exception of military health care, the government contracts health services out to the private sector. Welfare recipients, Medicare beneficiaries (mostly the elderly), and persons on state benefits enjoy government-paid insurance but receive care in private hospitals.

Private insurers, known as "Health Management Organizations," insure 65% of the American public. Most Americans do not pay for healthcare directly but, rather, receive it as an employment benefit. HMOs integrate health services vertically.

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In addition to selling insurance, they own and manage hospitals, hire doctors, and purchase drugs and equipment. Well known HMOs include Kaiser Permanente, Humana, Blue Cross/Blue Shield, and Aetna.

Other providers, who limit their function to insurance, provide 5% of the public with single-payer plans. Single-payer plans cover persons as individuals, rather than as part of a group policy (as they would under an HMO). Before the advent of HMOs in the late 1970s, communities managed hospitals on a non-profit basis. Today, most of these have allied themselves with for-profit providers. Nevertheless, large institutions such as charities, universities, and religious institutions still own hospitals. In the US, they account for 3% of the nation's investment in healthcare.

Roughly 14% of Americans are either self-insured or uninsured.

While the US federal and state governments insure only a small minority of the population, this minority accounts for over 50% of healthcare costs. This disparity exists because governments take charge of the most expensive risk groups: the elderly (through Medicare), the poor and the infirm (through Medicaid), victims of industrial accidents (through Worker's Compensation), and veterans (through the Pentagon and the Veterans' Administration). US government expenditure accounts for a growing percentage of total healthcare spending, whereas the Canadian government's health expenditure accounts for a decreasing percentage of total healthcare spending.

In Canada, provincial and federal governments claim a monopoly on healthcare provision. Provinces pay a growing preponderance of the costs, while the federal government makes up the ever-shrinking difference. Taxation or bond issues

Costs are spiraling out of control in the US, forcing ever-larger numbers into the ranks of the uninsured.

secure funding. Government expenditure accounts for a shrinking percentage of total healthcare spending in Canada. Private insurers and out-of-pocket payments account for 30% of expenditures in Canada. Healthcare expenditures consistently outpace the growth in government spending. Analysts expect this gap to broaden even further in coming years. Private spending will make up the difference between patient needs and the government's willingness to pay.

In Canada, individuals find themselves covering a growing percentage of their healthcare costs out of pocket. Several factors account for this trend. First, individuals who do not receive the service they seek from Medicare turn to the black market or foreign markets (especially the US). Second, Medicare has cut back on coverage to contain costs. Third, individuals demand more discretionary care. Spending on plastic surgery, diet remedies, herbal supplements, and reproductive care is booming. A growing number of Canadians are purchasing supplemental insurance largely because of access problems within Canada's Medicare system. Supplemental insurance enables Canadians to seek care in the US, where they can avoid the long lineups that now characterize their own country's system. Supplemental insurance may, additionally, cover procedures that Canada's Medicare will not. Large numbers of Canadians, particularly those who live in remote and rural areas, while insured on paper, enjoy almost no health services. In contrast, individual expenditures constitute a dwindling fraction of total healthcare spending in the US. Out-of-pocket expenses constituted 17% of healthcare spending in 1997, down from 23% in 1987.

Canadian socialized medicine assimilates two distinct businesses: health insurance and medical services. The same provincial agency insures its residents and employs the care specialists (doctors, nurses, etc...). These two businesses are generally divided in the US. Insurers sell health insurance but do not own hospitals. Hospitals provide care but do not sell insurance. The HMOs both sell interest and manage their own hospitals. They require their insured to go to company-owned hospitals, unless they are referred "out of plan." Preferred-provider Organizations ("PPOs") have arisen to broaden patient's choices. PPOs enable patients to contact any doctor in the network without obtaining their insurer's permission. In contrast with HMO plans, which demand payment up front in the form of premiums, PPO coverage requires employers to pay only when their workers use medical services. According to *The New York Times*, "there were 89 million people in P.P.O.s and 81.3 million in HMOs" [Sept 5th, 2000].

HMO policies are generally cheaper than single-payer plans and PPOs for two reasons. First, HMOs write policies for large pools not for single individuals, enabling them to diffuse risk broadly. Second, HMOs zealously limit their liabilities by stewarding their policyholders' expenditures.

Private insurers account for 32% of healthcare spending. Their share of the US expenditures remains low for two reasons. Private insurers cover the healthiest, most active segment of the population (people in their working years) and have instituted effective cost-containment measures. HMOs make money by driving down the cost of healthcare. To achieve economies of scale, they purchase drugs and medical supplies in bulk. Most importantly, they adopt a "preventive care" strategy. In practical terms, HMOs keep people out of hospitals by subsidizing healthy lifestyles. They insist on early screening and treatment because immediate treatment of a nascent ailment always proves cheap relative to hospitalization. Some offer health clubs membership. Other HMOs cover acupuncture and other 'alternative' medicines as an alternative to

expensive drugs and hospital stays.

Most Americans receive their health insurance as a benefit from their employers. Federal law requires that any person or corporation employing 50 or more workers purchase health insurance on their behalf. Smaller companies generally cover their employees, although they are not required to do so, simply to compete in the labor market. Employer health plans insure employees' dependents too. Large employers, like corporations and governments, offer a choice of several programs from competing insurers. In the event of dismissal, federal legislation (known as 'COBRA') permits employees to retain their health insurance for up to 6 months. US law forbids insurers from turning clients away on the grounds that they present an unreasonable risk. An HMO cannot legally refuse to ensure an AIDS patient even though care will necessarily prove unprofitable. Hospital owners, whether they be HMOs, universities, or non-profit organizations must also bear the cost of treating the uninsured that show up at the hospitals door. This has caused a payment crisis in inner city hospitals, which must regularly deal with uninsured victims of catastrophic accidents and violent crime. Uninsured persons, particularly the working poor, avoid necessary care for fear of the costs involved. All too frequently, medical bills require that uninsured persons lose their homes and all their assets. Given the choice between death and burdening their family with debts, some understandably prefer the former. No person should, in my view, face this choice. The fate of the uninsured disgraces US healthcare.

When an employee receives coverage under his employer's insurance package, he selects a 'primary care' physician out of a directory. The directory lists the doctor's medical school, the length of their experience, the address of their clinic, whether they accept more patients, and their specialty. Primary care physicians provide basic care (including the periodic checkup). They include pediatricians, obstetricians and gynecologists (called "OBGYN"), internal medicine specialists, and general practitioners ("GPs"). Every other medical specialty falls into the 'secondary' care category. In order to receive any care from a 'secondary care' physician, such as a surgeon or an ophthalmologist, a primary care physician must refer the patient to that specialist. This is a cost-saving measure the insurers have put in place to prevent superfluous treatment. They can request to be seen by a particular specialist if his schedule permits. But, in general, patients enjoy little or no control over the selection of the specialist to whom they are referred.

Contrary to the wild assertions made in Canada, no one needs to present a credit card or cash to receive medical care in the US. The Hippocratic oath mandates that doctors provide care when needed. Insured persons receive a card, like those issued by Canadian programs, from their insurer. They present it whenever they go to the doctor or hospital. The card evidences coverage and serves a statistical and accounting function. Increasingly, insurers require a co-pay for every visit to the doctor or hospital. It is usually a token amount of \$5 per doctor's visit and \$10 per hospital visit. A co-pay has the psychological effect of discouraging unnecessary visits. Judging by the fact that the average American visits his doctor only 3 times per year, by contrast to the 6 routine for a Canadian, this measure seems effective.

Cost-cutting measures face widespread criticism from patients, doctors, and politicians. Critics attack wide discrepancies in quality, a perceived decline in quality (particularly in patient-doctor interaction), and the increased cost of care (in particular, prescription drugs) in the US. American discontent seldom boils over into a wholesale condemnation of the delivery system as a whole. Recently, HMOs have come under fire for subordinating healthcare to profit. Some allegedly pressured doctors to deny costly care. Others simply refused to pay for services provided. Some HMOs transfer patient risk to the doctors who treat them. They do this by granting groups of doctors (known as "pods") a fixed-dollar contract. Doctors retain any monies they do not expend on the patients' care. If the patients' care surpasses the amount provided, however, doctors pay for the difference out of their own pockets. This system creates a conflict of interest because, in order to make money, doctors must limit care. Some of these cost-saving devices should sound familiar to Canadian patients. Provincial health plans have rapidly adopted management techniques from the HMOs. For better or for worse, disgruntled patients cannot sue insurance companies if they deny care. In the US, unhappy customers simply move to another insurer if they survive. In Canada, they have no alternative to Medicare.

Both Canadian and US healthcare face payment crises. As a percentage of GDP, health care costs have been stagnant in Canada, while they are again rising in the US after a period of stagnation during the 1980s. Canada's payments stagnate even as costs spiral. This means that Canadians receive less and less care for their health expenditures. The public decries this state of affairs and has steadily mounted pressure on the government to spend more. Americans face the opposite dilemma. There, spending matches cost increases. But because healthcare inflation far outpaces economic growth, it threatens the whole system with insolvency. Analysts expect medical spending to rise both as a percentage of GDP and in absolute dollar terms far into the future. In the US, pressure groups call for price controls and a government-funded prescription drug program. Recently, healthcare policy in Canada moved beyond narrow-minded recriminations with the legalization of private clinics in Alberta. This may help alleviate the backlog of cases in the public system. It certainly did when PM Thatcher privatized part of the British system. The Liberal administration's neglect of Medicare suggests that Canada will ultimately loosen its monopolistic restrictions on healthcare delivery and shift towards the US model. Perhaps we are witnessing the last spasmodic throes of what Americans derisively call "big government healthcare." Some Canadians feel that without socialized medicine, plague will sweep the streets. We'll have to wait and see.

taking the measure of success

Karen Lajoie, LLB III

Personal ethics govern the choices we make when no one is looking.

It is a very sad day for the Faculty, and for our chosen profession, when certain Professors feel they must push to eliminate take-home exams because too many students are abusing the implicit trust bestowed upon them and cheating. In the guise of "beating the system", some clever sparks out there have effectively jeopardized the existence of a valuable teaching tool for the sake of a fraction of a GPA point. What is most incomprehensible though, is how you seem pleased with yourselves for having thought of a way to subvert an orderly process to selfish ends.

The Faculty will never be able to completely eradicate cheating, regardless of how many changes they make, and how many rules they impose - there will always be someone who spends enough time thinking about it to figure out a way around those rules. The question then becomes not one for the Faculty as a whole, but for each of us individually.

An achievement bought with time, as surely as if it were bought with money, is no achievement at all. There can be no pride in the end result grade when it was acquired dishonestly. The justifications I hear for this round of cheating ring hollow, self-justifying proclamations from people who feel they must explain their actions, people who at some level understand what they are doing is wrong.

I don't care if the exam only exists to "help" your final grade; I don't care if other classmates are "doing it too"; and I really don't care if you're doing it because you think you need a higher GPA in order to apply for that job you really, really want. There will always be a convenient excuse for one's bad choices, be they at school or on the job - that does not make choosing them any less of a mistake.

Without realizing it, every single one of you who has "bent the rules" by cheating is contributing to the poor reputation of our profession in the eyes of the general population, people who are our future clients. Law societies in this country continue to require candidates to be of "good moral character": can each of you say in all honesty that you remain in this category after having cheated? As a lawyer, this predisposition to cut corners when pressed, or simply when the opportunity presents itself, can result in an official complaint to the Law Society for "sharp practice" or "unethical behavior". You can be disciplined, humiliated in front of your peers, and even disbarred for such conduct. Don't fool yourselves into thinking this can never happen to you - it happens to dozens of lawyers across Canada every year, people who didn't think they were hurting anyone by doing the expeditious thing, instead of the right thing, people who may very well have begun bending the rules while in law school, feeling the pressure to succeed at all costs.

Success is an elusive quarry.

Achievement - the external markers law students are so fond of looking to for reassurance they are doing well in the world - is not success. It can be part of it surely, but success is a far more internal process and in the end, it is the only outcome we have true control over.

Success has a larger arc than achievement. It is defined by how we measure ourselves, outside of the public spotlight and away from the flattering reflection of others. It is where we must take our measure based on our knowledge of how we have acted in life, and what has motivated us to make these decisions. A student who achieves an A on a factum, but did so by ripping pages out of books or hiding material from others ostensibly on their team has not succeeded - their accomplishment is tainted by the unethical behavior used to make the end justify the means.

If we take shortcuts because we know we won't be caught, the prize cannot truly be enjoyed - it was never actually earned. Future accomplishments based on this step are also tainted, stemming from the poisoned tree, as American criminologists might put it.

For some of you, success has been measured these past few weeks by how many New York or Toronto interviews you scored; whether or not your application for Law Journal was successful; or whether or not you were chosen to be a tutorial leader. These are all worthy achievements, but any of us who measure our value and standing as lawyers, and as people, solely by these external achievements stand only to be disappointed. Ultimately, regardless of how qualified we may feel and how well an interview goes, we have no true control over the outcome. Success is measured in the things we can control, namely the kind of person we become and the use to which we put these transient achievements.

It is the measure of how our experiences cumulatively affect our development as people - have we turned greedy, bitter, uncharitable, self-absorbed? Or have we grown to where we can help others by sharing what we have learned?

This achieve at all costs mentality cuts through our entire culture. During the recent Olympics, for example, there was much concerned furrowing of brows in the media over Canada's lack of medals, as if posting top 3 results was somehow the only measure of the team. As I watched the events unfold, however, I was struck by how many Olympians had overcome

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a beautiful day

Till Gut, Visiting Student

Tuesday was definitely a *Beautiful Day*!!!

Well, some introductory remarks right away. I guess this could just be dubbed a late entry for the *Quid*'s "Music Edition" a couple of weeks ago ... But why couldn't you *Quid* people await Oct. 31, the release date of U2's latest album, *All That You Can't Leave Behind*, after having served the well-named single *Beautiful Day* as an appetizer. En second lieu, I am absolutely sure my article can't live up to the enthusiasm displayed in Marc's article which can supposedly also be found in this issue of the *Quid*.

De toute façon, one circumstance added to the other, and so I decided to speak my soul anyway. First, I enjoyed this treasure alone, I just popped the CD right into my laptop's drive in the library, thus having a great afternoon. Later I saw Marc running his fingers feverishly over the CD in class, and I pushed some buttons when I asked him at Coffee House how he liked the new album. The same day, I walked into Thomson House, and they played the album there, full length!! So here I sit at home, after my return from Thomson House, shortly after midnight, and feel inspired by U2's latest masterpiece. I feel really sorry for all the trees that have to be chopped down for an extra-page to fit in my article. Even if it might be redundant to Marc's occasionally, please take it as a concurring opinion by another U2-Head!!

U2 are certainly one of the survivors of 80's Stadium Rock, a dinosaur of a band. They have been around since 1980, founded as a high school band, and still sport the same line-up two decades later. Although I am definitely biased, I cherish U2 for not totally selling out like other bands from that period. The 80's were a decade of political awareness, owing to the still omnipresent Cold War and its dangers. A lot of bands committed themselves to draw the West's attention to terrible conditions in the world, be it underdevelopment or the Apartheid. Even though the 90's have been a decade of change, signalled by the breakdown of the Communist empire, and resulted in a more stable world order, there are still a lot of conflicts around, and I can't see many bands today that devote their resources in an overt manner to speak out against injustice and terror.

U2 was the first Western major band to play in Sarajevo after years of a brutal war in the middle of Europe, during their PopMart World Tour in 1997. Even though the Serbs (or let's rather say, the Serb government, it's rarely people instigating a war) might have been the initial authors of this year-long terror, all ethnic communities had their hands blood-stained in the end. I don't know whether it is their Irish heritage which makes U2 especially conscious of world politics. It must have been rewarding for the people of multicultural and multi-ethnic Sarajevo to see a band paying tribute to their sorrows on behalf of the West instead of bombing them back into the Middle Ages like NATO did with Belgrade. Milosevic was only ousted a few weeks ago, let's not forget that, perhaps that concert was one of the pebbles on the road to peace in entire Ex-Yugoslavia, Serbia as well as Bosnia. Artists can set signs, they can't solve the world's problems, but they can contribute. Maybe we should all write a petition to have U2 play in Jerusalem as soon as possible.

Artists can set signs. So can a lot of other people. We are here to become lawyers. Law plays a major role in governing the structures of society, essentially that of any society on our beautiful planet. Social responsibility should be a key issue for us to keep in mind all the time. I am still trying to figure out the relationship between \$ 125,000 salaries in NYC and social responsibility but that's another story altogether.

My reflections are definitely not as profound and deep as those in all the other articles I like sooo much in the past few weeks, including those by Mercedes, Marc and all those other people, but hey... that's all I'm capable of after coming home from Thomson House.

Conclusion: Get the album right away, or at least drag yourself to HMV and listen to a couple of the tracks on it. I can't wait for the tour in spring, all I have to comfort me in the meantime will be this great album in my hands. Marc, what about your weekly U2 column in the *Quid*?

"Touch me, take me to that other place / Reach me, I know I'm not a hopeless case"

Bono, *Beautiful Day*

le 7 novembre 2000

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lajoie...continued from page 14

the most astonishing obstacles to even make it to the Games. Let me give you two examples: American kayaker Cliff Meidl didn't advance past the first round in any of his events, which in our medal-happy culture was an unspeakable failure. Yet here was a man who had been almost killed on the job 14 years ago, electrocuted on a construction site, with an exit hole punched in his skull by the force of the current and burnt to the point doctors who revived him wanted to amputate both legs. That he was able to rehabilitate himself over two years of excruciating operations and struggle to become a functioning, walking person again was one thing - to earn a berth on the U.S. Olympic team quite another.

Distance runner Marla Runyan is legally blind, yet by using sound and her minimal sight, she was able to advance through several rounds of heats to the 1500m finals, where she finished off the podium in sixth.

For sportscasters, Meidl and Runyan underachieved because they didn't bring home medals. The point I'm trying to make is, by doing their best in the face of overwhelming odds, and not taking the easy outs that no doubt presented themselves time and time again, their lack of "achievement" is still an incredible success, earned through unspeakable hard work and effort.

We are more than our resumes. *New York Times* columnist Anna Quindlen has observed that "You cannot be really first rate at your work if your work is all you are," yet our culture spends little time considering, encouraging, or rewarding the more ethereal success founded upon principled personal choices. I invite all of you faced with the temptation of taking the easy or unethical route to think about that for awhile, and ask yourself what kind of person you truly want to be, because that person is being formed with every decision you make, and that extends far beyond a simple Remedies mid-term.

closed windows

Julie Kon Kam King, LLB III

Wednesday evening, the beginning of November, the very realization conjures up familiar images in the mind of most law students: one month until exams, another rent check is due, you forgot to put the recycling out again and coffee house is only twenty four hours away.

Last Wednesday evening I found myself challenged to take a long walk outside of the box that often surrounds how we learn and understand the law. Far away from the debates of hypotheticals and laughter in the Atrium, this is what I found. At a transition house on the other side of the city, the curtains were drawn and few smiled. Meet Melca Salvador, a thirty-six year old mother whose eyes tell the stories of a struggle that I have never known. On Wednesday November 2nd she is supposed to be deported. Living for days in the fear that she will be escorted to the airport, she has kept the curtains on the windows of her apartment closed. Now on November 1st she is forced to consider whether to gather up her things and go into deeper hiding.

I met Melca during my legal clinic with PINAY, an organization that defends the rights of Immigrant Filipino Domestic Workers. She is but one of a large group of disillusioned immigrants who entered Canada under the Federal Government's Live-In Caregiver Program (LCP). The LCP was created in 1991 by the Mulroney Government to hire foreign caregivers to compensate for the shortage of Canadian labour in this field. Live-in Caregivers must work for a Canadian family for at least 24 months during a three-year period before they are eligible to apply for landed immigrant status. Many nurses, educators and other professionals seize this opportunity to flee the oppressive and often poor living conditions of their countries of origin. The Philippines in particular has a Labour Export Policy that systematically pushes Filipinos out of the country by encouraging and regulating the movement of migrant workers. Lured by the promises of sketchy recruitment agencies and thoughts of a better life, potential applicants can pay over \$4700 US in processing fees both to their own government as well as those of Canada and Quebec.

Many of the women are confronted by a harsh reality once they finally do start working. Caregivers in Quebec earn \$271 for a 49 hour week, (\$221 after taxes), a salary below the minimum wage. This fact is significant when you consider that most workers are expected to send money back to the Philippines to support the families they have left behind. A large percentage of domestic workers under the LCP put in 60-70 hour weeks without overtime pay. As their status is tied to the sponsorship of the employer they are afraid to raise complaints and are regularly threatened with dismissal and deportation. Under the Quebec Labour Standards domestic workers are entitled to privacy in their rooms, work records, overtime

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pay, maternity leave, paid holidays and termination notice. The reality is that if a caregiver is fired for standing up for her rights, the delay in filing a complaint and the 4-6 month waiting period for a new permit may cause her to be unable to fulfill the strict 24 month working requirement of the LCP.

Melca's case is a prime example of both the unjust constraints of the LCP and the gaps in adequate labour protection for domestic workers. She arrived in Canada five years ago and was wrongfully dismissed when her employers discovered she was pregnant. While preparing supper one evening, Melca was informed by her employers that she had one hour to pack and leave. Unlike a colleague who was pressured by an employer to have an abortion, Melca carried out her pregnancy and faced the consequences. She was later hired to work for an elderly woman and got fired when the family decided they would get a relative to do the job for free. As she was not allowed to work between permits and another 4-6 month processing period passed before her next job, Melca soon found herself outside the 24 month working requirement of the LCP. At the same time, the Quebec Labour Board refused to hear her claims for wrongful dismissal.

In 1999, Melca applied for a ministerial exemption from the requirements of the LCP arguing that there are strong humanitarian grounds for granting her permanent residency. The exemption was refused and she was issued a departure order. Melca's five-year old son Richard is a Canadian citizen, but since he is tied to his mother's status Richard's Medicare was cancelled when Melca's work permit expired. As it stands, Richard may be obligated to return to the Philippines if his mother is deported. Melca's son suffers from chronic asthma, which if left untreated will deteriorate into permanent lung disease. There is no hope that Melca will be able to afford the kind of medicine or treatment he needs in the Philippines even though she has been paying for it out of her pocket during her time in Canada.

Melca did not comply with her first order to leave by August 25th and has filed an appeal to the Federal Court to remain in Canada on humanitarian grounds. The pages of her Affidavit speak volumes: the immigration officer found that "the applicant's volunteer work with three local community organizations did not show integration into Canadian society, because these organizations exist to help persons of Filipino origin." Beyond this, the immigration officer held that despite the fact a new employer expressed willingness to hire her, she had not showed an ability to be able to support herself should she be allowed to stay in Canada. Note that even during her periods of unemployment Melca has never relied on the government for financial support, she has paid her taxes and contributed to programs from which she cannot benefit, and she has single-handedly raised her child while continuing to give to the community. Her affidavit further states that the immigration officer suggested that her son, presumably left behind in Canada "would not suffer trauma due to separation from one of his parents." The officer reasoned that since Richard has never seen his father, he would not be affected should he be left behind in Canada. Melca's lawyer, has been avidly arguing that her son is a Canadian citizen and his rights to live in Canada will be violated if he is deported along with his mother, as will his right to security of the person if he stays in Canada without her. The legal argument for her case relies heavily on the 1999 SCC ruling in *Baker v. Canada*.

In the meantime, Melca with the support of PINAY, has embarked on a nation-wide public awareness campaign. In and out of the media spotlight she continues to wonder why she is punished for having a child who should theoretically be granted all of the rights of any other Canadian-born child. She questions why the son of a domestic worker is treated like a second-class citizen. Melca is frustrated that she must spend what little money she earns to fight an employment regime that is designed to protect employers and exploit immigrant workers.

Under s. 18.2 of the *Federal Court Act*, and pursuant to s. 49 of the *Immigration Act*, Melca's deportation order could be stayed while she waits for leave for her appeal to remain in Canada on humanitarian grounds. She met with an immigration official two weeks ago who told her they are not willing to wait for a decision regarding the granting of leave, or the striking down of her new departure order. The words of the official at Immigration Quebec were clear: "on November second she can depart voluntarily or be deported by force."

The current Minister of Immigration and Citizenship, Elinor Caplan, was confronted with claims that the LCP is an anti-woman racist policy which often leads to psychological, economic and sexual abuse. Her response stated in a recent meeting in Winnipeg was: "I value the program and I'm not going to do anything to jeopardize it." When it was suggested that Minister Kaplan should participate in the consultation held by the Status of Women who are specifically looking into abuse of women under the LCP and existing labour standards, she said: "I will not examine the LCP." In the meantime, cases like Melca Salvador's will continue to be the norm rather than the exception. These cases continue to raise questions about the hidden objectives of this discriminatory immigration policy and about who really derives the benefits of the LCP. PINAY encourages anyone who would like to support re-evaluation of the LCP or the case of Melca Salvador to write to the Immigration Minister at the following address:

Honorable Elinor Kaplan
Minister of Citizenship and Immigration
365 Rue Laurier, Jean Edmons Bldg, 21st floor, Ottawa, ON K1A 1L1

Further comments and questions can be sent to PINAY at kampanya@hotmail.com

le 7 novembre 2000

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CAREER & PLACEMENT

Newsletter – November 2, 2000

1) NEXT WEEK'S BUSY SCHEDULE! Monday, November 6:

Law Society of Upper Canada : Information Session by Susan Lieberman on the recent changes to the Bar Admission Course (BAC)
Time : Noon

Place : Moot Court

Please note that she will be available for consultation afterwards and that there are only a couple of "spots" left in her schedule. CPO does the booking.

Area of Practice Dinner Series :

First dinner with Me Marc-André Blanchard (Communications/Internet Law) is "sold-out". Still a few places left for the dinner with Me Thierry Carrière (Entertainment Law) on February 6, 2001.

Wednesday, November 8:

Information session on summer jobs abroad in the area of HUMAN RIGHTS

Time : 12:30

Place : Moot Court.

Mercedes Perez (Ecuador), Nadim Houry (South Africa), Charlotte Brom (Costa Rica) and Jeff King (Ecuador) will share their respective experience with you.

Information session on Clerkships

Time: 1:30 pm

Place: Room 102 (not the Moot Court).

Check the Agenda for more details.

Please note that Prof. Shauna Van Praagh is coordinating the Supreme Court application process. In this specific case, applications must be received at OUS by January 15 for internal review.

We also received informations on the following clerkships. Check the boards for more details:

- Court of Queen's Bench and Court of Appeal of Alberta
- Federal Court
- British Columbia Judicial Law Clerk Program
- Court of Appeal of New Brunswick
- Court of Appeal for Ontario

2) JOB OFFERS RECEIVED THIS WEEK

-Prévost Auclair Fortin D'Aoust est à la recherche d'étudiants pour compléter son équipe de 25 avocats oeuvrant principalement en droit du travail, droit corporatif et commercial, droit de la famille, droit des assurances, droit municipal, droit de la construction, droit des institutions financières et en litige.

Toute personne intéressée à soumettre sa candidature est invitée à faire parvenir son curriculum vitae à :

Me André Ramier

Prévost Auclair Fortin D'Aoust

55, rue Castonguay, bureau 400

St-Jérôme (Québec)

J7Y 2H9

Courriel: a.ramier @ prevostauclair.com

-Borden Ladner Gervais (Calgary office)

is looking for second year summer students. If interested, submit your resume via fax or e-mail along with your first year marks by NOVEMBER 15, 2000.

Colin MacDonald

fax: (403) 266-1395

e-mail: cmacdonald @ blgcanada.com

WEB: blgcanada.com

-Sonoclaw: Student Representatives are needed to promote a new free Legal website, Sonoclaw.com, featuring legal outlines and study aids for students. This position only requires a few hours per week. To apply or for more information, contact: ceo@sonoclaw.com.

-Legal Aid Services of Oregon is re-advertising its farmworker staff attorney position, Pendleton Office. Seeks applicants who have an interest in poverty law issues and who speak Spanish.

Janice R. Morgan

Legal Aid Services of Oregon

230 NE Second Avenue, Suite A

Hillsboro, OR 97124

Tel: (503) 648-7163

-Canadian Embassy Internship Program, Washington (volunteer work)

The program is designed to provide students with an opportunity for involvement in governmental affairs, as well as provide a general understanding of the Canada-US bilateral relationship. Several positions opened. High GPA. They will accept first-year students if they have another undergraduate degree. Deadline: November 20, 2000.

-Pro Bono a des postes disponibles avec les associations suivantes: B'Nai Brith, Le Net Boys and Girls Club of Canada, Greenpeace, Popir-Comité Logement. (Postes affichés près du CPO). Pour plus d'information, veuillez vous adresser à Tracy Austin: pbsc@lsa.lan.mcgill.ca

FOR MORE INFORMATION ON THE POSTINGS, PLEASE CHECK THE BOARDS

3) "UPCOMING ATTRACTIONS"

Information session for first year student on the various recruitment processes.

Date: November 15

Time: 12:30

Place: Moot Court

Prepare your questions! We will also talk about summer jobs!

4) LSUC : les formulaires sont en retard. Christine de OUS vous informera dès qu'elle les recevra. Vous aurez ensuite jusqu'au 30 novembre 2000 pour les compléter et les retourner.

AGENDA

Clerkship Information Session
Wednesday, November 8, 2000

1:30 – 2:30 pm

Room 102, New Chancellor Day Hall

1. Introduction

Brigitte St-Laurent, Career Placement Office

2. Presentation on the Supreme Court Clerkship Opportunities and Requirements

Prof. Shauna Van Praagh

Responsible for the Supreme Court Clerkship Applications at the Faculty

3. Information on the Supreme Court Interview Process

Hugo Cyr

Former Clerk for Justice Ian Binnie (1999-2000)

4. Presentation on the Federal Court of Canada Clerkship Recruitment Program (Trial Division)

Paula Clarke

Clerk for Justice E. Heneghan

5. Presentation on the Court of Appeal for Ontario

Mark Searl

Clerk (2001-2002)

6. General Information on other Court Processes

Brigitte St-Laurent

Director, Career Placement Office

November 7, 2000

Curriculum Corner

I finally have some news to report on the non-law credit front. After several weeks of discussion, the curriculum committee passed the following resolution at their meeting Friday, October 27th:

Be it resolved that for the purpose of awarding Law Faculty prizes and scholarships, including the calculation of class ranking, only those credits obtained in courses offered by the Law Faculty will be considered.

Please note that this policy does not in any way affect students' GPAs. In other words, students taking non-law courses will still have the marks obtained in those courses included in the calculation of their GPA. It does mean that the prizes and scholarships awarded next spring will be based on a class ranking which includes only marks received in courses taken in the McGill Faculty of Law.

My understanding is that this issue will be brought to the next Faculty Council meeting on November 11, 2000. At this time, the resolution will be discussed and likely voted on.

If you have any questions, comments or concerns about the resolution or the issue in general, please feel free to contact me at meganstephens@hotmail.com. You should also feel free to discuss this with the two other student reps who sit on curriculum committee: Jenna Seguin (seguinj@lsa.lan.mcgill.ca) and Valérie Lemieux (lemieuv@lsa.lan.mcgill.ca).

And remember, my portfolio as VP Academic does cover issues other than non-law credits! If you have questions, concerns or queries about other academic things, let me know.

Megan Stephens
VP Academic, 2000-2001

Remember Dean Taylor Nat IV

"It's hard to find them anymore" my friend observed, and he's right. When I was young, it seemed that you saw them on every corner: proud, strong, colourful, a familiar reminder of this time of the year, when the air starts to crackle with cold, and leaves drop from the trees, and when your mom used to dig into the closets to find the boots and tuques and itchy scarves knitted by great-Aunt somebody. Back then they were everywhere.

Now, you have to look for them. And so for the past few years, I have made a ritual of searching for them. Every year, it gets a little bit harder, and every year, people remember a little bit less. I guess that's the same for anything...but this isn't just anything now is it? It's a part of our heritage, a symbol of our growth as a nation. It encompasses all the pride and strength that this country can muster when sufficiently motivated, and is a significant reason for our reputation across the world. It isn't just anything. It's something. Something important. And that's why, right after Halloween, I go looking.

I didn't have to search as hard to find one as I had in past years. There they were, as vibrant as the first time I had ever seen one, way back when I was tiny and wide eyed and my dad made a point of explaining to his kids what they meant, and why Canadians wear them. They were in the same familiar little box, with the same familiar little can for your change (like everything, inflation has raised the price from a quarter to a loonie) and they were being held by a proud, but tired-looking man. It was cold, and he looked uncomfortable. He looked old. His hands, once so strong, shook in the chill as he made change. I didn't ask for change.

"Thank you," he said.

"No," I answered. "Thank you. For everything."

Then I put it on my lapel. Just like my dad taught me. To remember.

Forum National would like to thank Mr. Jeffrey Simpson of the Globe and Mail for coming to speak to the students and faculty last Tuesday. Our thanks go out as well to all the students and professors who came out to see the talk — it was great to see the Atrium packed for our first speaker of the year. To those who have asked us about getting their hands on a copy of Simpson's book, *"Star-Spangled Canadians,"* check out the McGill Bookstore this week. The book was sold out but they should have their display up and running with more copies by now. Keep your eyes peeled for our next event!

Matt, Jer, Robert and Tom

le 7 novembre, 2000

ANNIE MACDONALD LANGSTAFF

UPHILL ALL THE WAY:

THE STRUGGLE TO UNITE WOMEN'S RIGHTS TO LAND,
PROPERTY AND INHERITANCE, AND THE RIGHT TO HOUSING

Ariane Brunet

Coordinator, Women's Rights Program, RIGHTS & DEMOCRACY

Leilani Farha

Women's Program Coordinator, Centre on Housing Rights & Evictions

NOV. 23 @ 4 PM
ROOM 202 NCDH

En avril 2000, la Commission des droits de l'homme des Nations Unies a reconnu, par le biais d'une résolution, l'égalité des femmes en matière de droit à la propriété, de droit à la terre et au contrôle sur la terre, et de droit à un logement convenable.

As participants in the U.N. process, the speakers will discuss the significance and impact of this resolution on the promotion and protection of women's international human rights.

NAMED IN HONOUR OF THE FIRST WOMAN LAW GRADUATE AT MCGILL (1914), WHO WAS DENIED THE RIGHT TO PRACTISE IN QUEBEC BECAUSE OF HER GENDER, THE WORKSHOPS PROVIDE A FORUM FOR SCHOLARLY RESEARCH AND PRACTICAL INSIGHTS ON SOCIAL JUSTICE ISSUES.

PRESENTED BY THE MCGILL FACULTY OF LAW IN ASSOCIATION WITH WOMEN & THE LAW/FEMMES & DROIT

ATELIER 2000-2001 WORKSHOPS